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## A BILL FOR AN ORDINANCE

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RELATING TO BIRDS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to regulate the raising of birds to protect public health, welfare, safety, peace and enjoyment of property in residential neighborhoods.

SECTION 2. Section 7-2.2, Revised Ordinances of Honolulu 1990, is amended by amending the definition of "poultry" to read as follows:

""Poultry" means chickens, [pigeons,] turkeys, geese, ducks and peafowl not regulated by state law. The definition of poultry also includes pigeons, other than those pigeons that are regulated by state law, provided that where ten or more such pigeons are owned, harbored or kept on a residentially zoned property, they shall also be subject to Sec. 7- .1."

SECTION 3. Chapter 7, Revised Ordinances of Honolulu 1990, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

### "Article \_\_. Regulation of Birds

#### **Sec. 7-\_\_ .1 Permit required for specified bird facility.**

- (a) No person, raising ten or more birds, excluding birds less than three months old, on residentially zoned property, shall operate or maintain any specified bird facility unless a bird facility permit has first been obtained from the director.
- (b) Applications for specified bird facility permits will be made upon forms furnished by the director and must be accompanied by payment of the required fee. Applications for a specified bird facility must also include evidence, as determined by the director, that the applicant has notified all of the property owners within 200 feet of the property lines of the property on which the specified bird facility will be located and has obtained the required consent of two-thirds of the property owners notified.
- (c) The director shall issue a specified bird facility permit to the applicant, only after the director has reviewed a completed and signed application which grants the director permission to enter and inspect the facility at any reasonable time, and assuring the director that the issuance criteria have been met. If the director has



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reasonable grounds to believe that an inspection is necessary, the director shall inspect the facility in order to determine whether the issuance criteria have been met. The criteria for issuing a specified bird facility permit are as follows:

- (1) The facility is in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances;
  - (2) The facility will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health;
  - (3) The facility will reasonably prevent birds from roaming at large;
  - (4) Adequate safeguards are made to prevent unauthorized access to the birds by general members of the public;
  - (5) The health and well-being of the birds will not be in any way endangered by the manner of keeping or confinement;
  - (6) The facility will be adequately lighted and ventilated;
  - (7) The facility is located on the applicant's property and at least 25 feet from the nearest home, not including the applicant's own dwelling;
  - (8) If applicable, the facility must comply with the city's building code and must be consistent with the requirements of the land use ordinance and any other land use regulation; and
  - (9) The applicant shall demonstrate, to the director's satisfaction, sufficient ability to respond to any claims for damages for personal injury or property damages which may be caused by the birds kept at the facility. The director may require the applicant to provide proof of sufficient liability insurance to cover any personal or property damages caused by any birds kept at the facility. The applicant shall provide a certificate of insurance to the director within ten (10) days of the issuance of the permit and sign a waiver authorizing the director to determine at any time whether the required insurance remains in effect. The director shall revoke the permit upon any failure to maintain liability insurance as required under this section.
- (d) Each specified bird facility permit issued by the director shall be conditioned on the applicant maintaining the facility in compliance with the issuance criteria. The bird facility permit will be valid from the date of issuance until such time that the



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director determines by inspection that the enclosure is not being maintained in compliance with the issuance criteria or that a condition of the permit is not being met. If the director determines by inspection that the specified bird facility is not being maintained in compliance with the issuance criteria, the permit will no longer be valid and shall be revoked by the director. Before operation of the facility resumes, submission of a new application for a specified bird facility permit accompanied by payment of the permit fees is required, and the facility will not be allowed to operate until such time as the director has inspected the facility and determined that all issuance criteria have been met. The director may impose other conditions on the permit, including but not limited to, a bond or security deposit necessary to protect the public health or safety.

- (e) A person keeping more than nine birds, excluding any birds under the age of 3 months, will be required to obtain a specified bird facility permit. If the director determines that the person is allowing the birds to roam at large, or is not keeping the birds in a clean and sanitary condition, free of vermin, obnoxious smells and substances, then the person shall be required to apply for a facility permit to keep such birds at the site.
- (f) The following are not subject to this article:
  - (1) "Poultry," as defined in Article 2; and
  - (2) Those pigeons and aviary game birds for which a permit has been issued under HRS Chapter 142 or other state law.
- (g) For purposes of this section:

"Director" means the director of the department of planning and permitting or the director of another department delegated by the mayor, or a designee thereof.

"Specified bird facility" means a permitted site for the keeping of ten or more birds, including but not limited to a structure or other form of enclosure.

### **Sec. 7-\_\_2 Permit fees.**

The application for a specified bird facility must be accompanied by a non-refundable fee. The director shall establish application fees at amounts reasonably calculated to cover administration and enforcement of this article.



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### **Sec. 7-\_\_3 Inspection and revocation of permit.**

- (a) All specified bird facilities must be open at all times for inspection by the director upon provision of reasonable notice. If an inspection reveals that any provision in this article or any condition of a permit is violated, the director shall give written notice to the person holding the permit, specifying the violation and requiring that the violation be corrected within 48 hours. If the violation is not corrected within the period specified, the director may revoke the specified bird facility permit.
- (b) The director may revoke any specified bird facility permit upon determining that the facility no longer meets the conditions required for the issuance of the permit or that the permit was issued upon fraudulent or untrue representations or that the person holding the permit has violated any of the provisions of this article.

### **Sec. 7-\_\_4 Complaint from private citizens.**

The director, in consultation with the Honolulu police department, shall develop a complaint form with respect to birds kept pursuant to the specified bird facility permit. The form may be obtained from the Honolulu police department, the director's department, and the department of customer services.

Any authorized police officer, or any designee of the director may receive the complaint forms, which shall be forwarded to the director for review.

### **Sec. 7-\_\_5 Rules.**

The director shall adopt rules pursuant to HRS Chapter 91, to effectuate the purposes of this article."

SECTION 4. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring, the brackets or the bracketed material.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_  
BILL 51 (2015)

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SECTION 5. This ordinance takes effect on January 1, 2016.

INTRODUCED BY:

*Carol Fukunaga*

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DATE OF INTRODUCTION:

**JUN 30 2015**

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Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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KIRK CALDWELL, Mayor  
City and County of Honolulu